

---

---

# HOUSE BILL No. 1174

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-28.

**Synopsis:** Jury duty. Provides that a person who appears for jury duty but is not selected has completed the person's jury duty at the end of the first day. Removes certain professional exemptions from jury duty. Provides that a person is entitled to one automatic postponement of jury duty. Expands the source of names for jury lists to include a person who obtains a driver's license or identification card from the bureau of motor vehicles. Prohibits an employer from requiring an employee to use vacation or other leave for jury duty.

**Effective:** July 1, 2005.

---

---

## Mays

---

---

January 6, 2005, read first time and referred to Committee on Judiciary.

---

---

C  
o  
p  
y



First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1174

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 33-28-4-3 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The jury  
3       commissioners shall immediately, from the names of:

4               (1) legal voters **of the county; and**

5               (2) citizens of the United States on the latest tax duplicate and the  
6               tax schedules of the county; **and**

7               (3) **individuals who:**

8                       (A) **reside in the county; and**

9                       (B) **have obtained a driver's license or identification card**  
10                      **under IC 9-24 from the bureau of motor vehicles;**

11       examine for the purpose of determining the sex, age, and identity of  
12       prospective jurors, and proceed to select and deposit, in a box furnished  
13       by the clerk for that purpose, the names, written on separate slips of  
14       paper of uniform shape, size, and color, of twice as many persons as  
15       will be required by law for grand and petit jurors in the courts of the  
16       county, for all the terms of the courts, to begin with the following  
17       calendar year.



C  
o  
p  
y

(b) Each selection shall be made as nearly as possible in proportion to the population of each county commissioner's district. In making the selections, the jury commissioners shall in all things observe their oaths. The jury commissioners shall not select the name of any person who is to them known to be interested in or has a case pending that may be tried by a jury to be drawn from the names so selected.

(c) The jury commissioners shall deliver the locked box to the clerk of the circuit court, after having deposited into the box the names as directed under this section. The key shall be retained by one (1) of the jury commissioners, who may not be an adherent of the same political party as the clerk.

(d) In a county containing a consolidated city, the jury commissioners may, upon an order made by the judge of the circuit court and entered in the records of the circuit court of the county, make the selections and deposits required under this section monthly instead of annually. The jury commissioners may omit the personal examination of prospective jurors, the examination of voters lists, and make selection without reference to county commissioners' districts. The judge of the circuit court in a county containing a consolidated city may do the following:

(1) Appoint a secretary for the jury commissioners, and sufficient stenographic aid and clerical help to properly perform the duties of the jury commissioners.

(2) Fix the salaries of the commissioners, the secretary, and stenographic and clerical employees.

(3) Provide office quarters and necessary supplies for the jury commissioners and their employees.

The expenses incurred under this subsection shall be paid for from the treasury of the county upon the order of the court.

(e) Subject to appropriations made by the county fiscal body, the jury commissioners may use a computerized jury selection system. However, the system used for the selection system must be fair and may not violate the rights of persons with respect to the impartial and random selection of prospective jurors. The jurors selected under the computerized jury selection system must be eligible for selection under this chapter. The commissioners shall deliver the names of the individuals selected to the clerk of the circuit court. The commissioners shall observe their oath in all activities taken under this subsection.

(f) The jury commissioners may supplement voter registration lists and tax schedules under subsection (a) with names from lists of persons residing in the county that the jury commissioners may designate as necessary to obtain a cross-section of the population of each county

**c  
o  
p  
y**



commissioner's district. The lists designated by the jury commissioners under this subsection must be used for the selection of jurors throughout the entire county.

(g) The supplemental sources designated under subsection (f) may consist of such lists as those of utility customers, persons filing income tax returns, motor vehicle registrations, city directories, telephone directories, and driver's licenses. These supplemental lists may not be substituted for the voter registration list. The jury commissioners may not draw more names from supplemental sources than are drawn from the voter registration lists and tax schedules.

SECTION 2. IC 33-28-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) A person shall be excused from acting as a juror if the person:

- (1) is at least sixty-five (65) years of age;
- (2) is a member in active service of the armed forces of the United States;
- (3) is an elected or appointed official of the executive, legislative, or judicial branches of government of:

(A) the United States;

(B) Indiana; or

(C) a unit of local government;

who is actively engaged in the performance of the person's official duties;

(4) is a member of the general assembly who makes the request to be excused before being sworn as a juror;

(5) is an honorary military staff officer appointed by the governor under IC 10-16-2-5;

(6) is an officer or enlisted person of the guard reserve forces authorized by the governor under IC 10-16-8;

~~(7) is a veterinarian licensed under IC 15-5-1-1;~~

~~(8) is serving as a member of the board of school commissioners of the city of Indianapolis under IC 20-3-11-2;~~

~~(9) is a dentist licensed under IC 25-14-1;~~

~~(10) (7)~~ (7) is a member of a police or fire department or company under IC 36-8-3 or IC 36-8-12; or

~~(11) (8)~~ (8) would serve as a juror during a criminal trial and the person is:

(A) an employee of the department of correction whose duties require contact with inmates confined in a department of correction facility; or

(B) the spouse or child of a person described in clause (A);

and ~~desires to be excused for that reason.~~ **requests to be excused**

C  
o  
p  
y



1 before being sworn as a juror.

2 (b) A person scheduled to appear for jury service has the right  
3 to postpone the date of the person's initial appearance for jury  
4 service one (1) time. The court shall grant a prospective juror's  
5 request for postponement if the following conditions are met:

6 (1) The prospective juror has not previously been granted a  
7 postponement.

8 (2) The prospective juror requests a postponement by  
9 contacting the jury commissioner:

10 (A) by telephone;

11 (B) by electronic mail;

12 (C) in writing; or

13 (D) in person.

14 (3) The prospective juror selects another date on which the  
15 prospective juror will appear for jury service that is:

16 (A) not more than six (6) months after the date upon which  
17 the prospective juror was originally scheduled to appear;  
18 and

19 (B) a date when the court will be in session.

20 ~~(b)~~ (c) A prospective juror is disqualified to serve on a jury if any of  
21 the following conditions exist:

22 (1) The person is not a citizen of the United States, at least  
23 eighteen (18) years of age, and a resident of the county.

24 (2) The person is unable to read, speak, and understand the  
25 English language with a degree of proficiency sufficient to fill out  
26 satisfactorily a juror qualification form.

27 (3) The person is incapable of rendering satisfactory jury service  
28 due to physical or mental disability. However, a person claiming  
29 this disqualification may be required to submit a physician's or  
30 authorized Christian Science practitioner's certificate confirming  
31 the disability, and the certifying physician or practitioner is then  
32 subject to inquiry by the court at the court's discretion.

33 (4) The person is under a sentence imposed for an offense.

34 (5) A guardian has been appointed for the person under IC 29-3  
35 because the person has a mental incapacity.

36 (6) The person has had rights revoked by reason of a felony  
37 conviction and the rights have not been restored.

38 ~~(c)~~ (d) A person may not serve as a petit juror in any county if the  
39 person served as a petit juror in the same county within the previous  
40 three hundred sixty-five (365) days. The fact that a person's selection  
41 as a juror would violate this subsection is sufficient cause for  
42 challenge.

C  
O  
P  
Y



~~(d)~~ (e) A grand jury, a petit jury, or an individual juror drawn for service in one (1) court may serve in another court of the county, in accordance with orders entered on the record in each of the courts.

~~(e)~~ (f) The same petit jurors may be used in civil cases and in criminal cases.

~~(f)~~ (g) A person may not be excluded from jury service on account of race, color, religion, sex, national origin, or economic status.

~~(g)~~ (h) Notwithstanding IC 35-47-2, IC 35-47-2.5, or the restoration of the right to serve on a jury under this section and except as provided in subsections ~~(e)~~, (i), ~~(d)~~, (j), and ~~(f)~~, (m), a person who has been convicted of a crime of domestic violence (as defined in IC 35-41-1-6.3) may not possess a firearm:

(1) after the person is no longer under a sentence imposed for an offense; or

(2) after the person has had the person's rights restored following a conviction.

~~(h)~~ (i) Not earlier than five (5) years after the date of conviction, a person who has been convicted of a crime of domestic violence (as defined in IC 35-41-1-6.3) may petition the court for restoration of the person's right to possess a firearm. In determining whether to restore the person's right to possess a firearm, the court shall consider the following factors:

(1) Whether the person has been subject to:

(A) a protective order;

(B) a no contact order;

(C) a workplace violence restraining order; or

(D) any other court order that prohibits the person from possessing a firearm.

(2) Whether the person has successfully completed a substance abuse program, if applicable.

(3) Whether the person has successfully completed a parenting class, if applicable.

(4) Whether the person still presents a threat to the victim of the crime.

(5) Whether there is any other reason why the person should not possess a firearm, including whether the person failed to complete a specified condition under subsection ~~(f)~~ (j) or whether the person has committed a subsequent offense.

~~(i)~~ (j) The court may condition the restoration of a person's right to possess a firearm upon the person's completion of specified conditions.

~~(j)~~ (k) If the court denies a petition for restoration of the right to possess a firearm, the person may not file a second or subsequent

C  
o  
p  
y



petition until one (1) year has elapsed.

~~(k)~~ **(l)** A person has not been convicted of a crime of domestic violence for purposes of subsection ~~(h)~~ **(i)** if the conviction has been expunged or if the person has been pardoned.

~~(j)~~ **(m)** The right to possess a firearm shall be restored to a person whose conviction is reversed on appeal or on postconviction review at the earlier of the following:

(1) At the time the prosecuting attorney states on the record that the charges that gave rise to the conviction will not be refiled.

(2) Ninety (90) days after the final disposition of the appeal or the postconviction proceeding.

SECTION 3. IC 33-28-4-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 10. (a) A person who appears for service as a petit or grand juror serves until the conclusion of the first trial in which the juror is sworn, regardless of the length of the trial or the manner in which the trial is disposed. A person who appears for service but is not selected and sworn as a juror completes the person's service at the end of one (1) day.**

**(b) A person who:**

**(1) serves as a juror under this chapter; or**

**(2) completes one (1) day of jury selection but is not chosen to serve as a juror;**

**may not be selected for another jury panel for at least one (1) year.**

**(c) The employer of a person who:**

**(1) is summoned to serve as a juror; and**

**(2) notifies the employer of the jury summons:**

**(A) within a reasonable period after receiving the jury summons; and**

**(B) before the person appears for jury duty;**

**may not subject the person to any adverse employment action as the result of the person's jury service.**

**(d) An employee may not be required or requested to use annual leave, vacation leave, or sick leave for time spent:**

**(1) responding to a summons for jury duty;**

**(2) participating in the jury selection process; or**

**(3) serving on a jury.**

**This subsection does not require an employer to provide annual leave, vacation leave, or sick leave to an employee who is not otherwise entitled to these benefits.**

**(e) If:**

**(1) a prospective juror works for an employer with five (5) or**

C  
o  
p  
y



fewer full-time employees (or their equivalent);  
 (2) another employee of the employer described in subdivision  
 (1) is performing jury service; and  
 (3) the prospective juror or the employee performing jury  
 service notifies the court that they both work for the same  
 employer;

the court shall reschedule the prospective juror's jury service for  
 a date that does not overlap with the jury service of the other  
 employee already performing jury service. The rescheduling of  
 jury service under this subsection does not affect the prospective  
 juror's right to a postponement under section 8(b) of this chapter.

SECTION 4. IC 33-28-5-5 IS AMENDED TO READ AS  
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. As used in this  
 chapter, "master list" means:

- (1) a serially printed list;
- (2) a magnetic tape;
- (3) an Addressograph file;
- (4) a punched card file;
- (5) a computer record; or
- (6) another form of record determined by the supervising judge to  
 be consistent with this chapter;

that fosters the policy and protects the rights secured by this chapter,  
 contains all current, up-to-date voter registration lists for each precinct  
 in the county, **the names of all citizens of the United States on the  
 latest tax duplicate and the tax schedules of the county, and the  
 names of all individuals who reside in the county and have  
 obtained a driver's license or identification card under IC 9-24  
 from the bureau of motor vehicles,** and is supplemented by names  
 derived from other sources identified under this chapter.

SECTION 5. IC 33-28-5-13 IS AMENDED TO READ AS  
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) The jury  
 commissioner shall compile and maintain a master list consisting of:

- (1) all the voter registration lists for the county;
- (2) **the names of all citizens of the United States on the latest  
 tax duplicate and the tax schedules of the county; and**
- (3) **the names of all individuals who reside in the county and  
 have obtained a driver's license or identification card under  
 IC 9-24 from the bureau of motor vehicles.**

(b) **The master list in subsection (a) shall be supplemented with**  
 names from other lists of persons resident in the county that the  
 supreme court shall periodically designate as necessary to obtain the  
 broadest cross-section of the county, having determined that use of

C  
o  
p  
y





supplemental lists is feasible. The supreme court may designate supplemental lists for use by the courts periodically in a manner that fosters the policy and protects the rights secured by this chapter. Supplemental sources may consist of lists of:

- (1) utility customers;
- (2) property taxpayers; and
- (3) persons filing income tax returns, motor vehicle registrations, city directories, telephone directories, and driver's licenses.

Supplemental lists may not be substituted for the voter registration list, **tax schedules, or the driver's license and identification card list.** In drawing names from supplemental lists, the jury commissioner shall avoid duplication of names.

~~(b)~~ **(c)** A person who has custody, possession, or control of any of the lists making up or used in compiling the master list, including those designated under subsection ~~(a)~~ **(b)** by the supreme court as supplementary sources of names, shall furnish the master list to the jury commissioner for inspection, reproduction, and copying at all reasonable times.

~~(c)~~ **(d)** When a copy of a list maintained by a public official is furnished, only the actual cost of the copy may be charged to the courts.

~~(d)~~ **(e)** The master list of names is open to the public for examination as a public record. However, the source of names and any information other than the names contained in the source is confidential.

SECTION 6. IC 33-28-5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. (a) The supervising judge or the jury commissioner shall determine solely on the basis of information provided on a juror qualification form or interview with a prospective juror whether the prospective juror is disqualified for jury service. The jury commissioner shall enter this determination in the space provided on the juror qualification form or electronic data processing facsimile and on the alphabetical list of names drawn from the master list.

(b) A person may not be automatically excused under this chapter. Upon request of a prospective juror, the supervising judge or jury commissioner shall determine on the basis of information provided on:

- (1) the juror qualification form;
- (2) correspondence from the prospective juror; or
- (3) an interview with the prospective juror;

whether the prospective juror may be excused from jury service. The jury commissioner shall enter this determination in the space provided on the juror qualification form.

C  
o  
p  
y



(c) A person scheduled to appear for jury service has the right to postpone the date of the person's initial appearance for jury service one (1) time. The court shall grant a prospective juror's request for postponement if the following conditions are met:

(1) The prospective juror has not previously been granted a postponement.

(2) The prospective juror requests a postponement by contacting the jury commissioner:

(A) by telephone;

(B) by electronic mail;

(C) in writing; or

(D) in person.

(3) The prospective juror selects another date on which the prospective juror will appear for jury service that is:

(A) not more than six (6) months after the date upon which the prospective juror was originally scheduled to appear; and

(B) a date when the court will be in session.

~~(c)~~ (d) A person who is not disqualified for jury service may be excused from jury service only upon a showing of:

(1) undue hardship;

(2) extreme inconvenience; or

(3) public necessity;

until the time of the next drawing when the person is resummoned. Appropriate records must be maintained by the jury commissioner to facilitate resummoning.

~~(d)~~ (e) Requests for excuse, other than those accompanying the return of the qualification form, must be made by the prospective juror in writing to the jury commissioner not later than three (3) days before the date when the prospective juror has been summoned to appear.

SECTION 7. IC 33-28-5-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. (a) A person who appears for service as a petit or grand juror serves until the conclusion of the first trial in which the juror is sworn, regardless of the length of the trial or the manner in which the trial is disposed. A person who appears for service but is not selected and sworn as a juror completes the person's service at the end of one (1) day.

(b) A person who:

(1) serves as a juror under this chapter; or

(2) completes one (1) day of jury selection but is not chosen to serve as a juror;

may not be selected for another jury panel ~~until all nonexempt persons~~

C  
o  
p  
y



on the master list have been called for jury duty: for at least one (1) year.

(c) The employer of a person who:

(1) is summoned to serve as a juror; and

(2) notifies the employer of the jury summons:

(A) within a reasonable period after receiving the jury summons; and

(B) before the person appears for jury duty;

may not subject the person to any adverse employment action as the result of the person's jury service.

(d) An employee may not be required or requested to use annual leave, vacation leave, or sick leave for time spent:

(1) responding to a summons for jury duty;

(2) participating in the jury selection process; or

(3) serving on a jury.

This subsection does not require an employer to provide annual leave, vacation leave, or sick leave to an employee who is not otherwise entitled to these benefits.

(e) If:

(1) a prospective juror works for an employer with five (5) or fewer full-time employees (or their equivalent);

(2) another employee of the employer described in subdivision

(1) is performing jury service; and

(3) the prospective juror or the person performing jury service notifies the court that they both work for the same employer;

the court shall reschedule the prospective juror's jury service for a date that does not overlap with the jury service of the other employee. The rescheduling of jury service under this subsection does not affect the prospective juror's right to a postponement under section 18(c) of this chapter.

SECTION 8. IC 33-28-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. As used in this chapter, "master list" means:

(1) all current, up-to-date voter registration lists for each precinct in the county;

(2) the names of all citizens of the United States on the latest tax duplicate and the tax schedules of the county; and

(3) a list of all individuals who reside in the county and who have obtained a driver's license or identification card under IC 9-24 from the bureau of motor vehicles;

supplemented with names from other sources prescribed pursuant to

C  
o  
p  
y



1 this chapter, in order to foster the policy and protect the rights secured  
 2 by this chapter. The master list may be in the form of a serially printed  
 3 list, a magnetic tape, an Addressograph file, punched cards, or such  
 4 other form considered by the chief judge to be consistent with this  
 5 chapter.

6 SECTION 9. IC 33-28-6-13 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) The jury  
 8 commissioner shall compile and maintain a master list consisting of:

- 9 (1) all the voter registration lists for the county;  
 10 (2) **the names of all citizens of the United States on the latest**  
 11 **tax duplicate and the tax schedules of the county; and**  
 12 (3) **a list of all individuals who reside in the county and who**  
 13 **have obtained a driver's license or identification card under**  
 14 **IC 9-24 from the bureau of motor vehicles;**

15 supplemented with names from other lists of persons resident in the  
 16 county that the supreme court shall periodically designate as necessary  
 17 to obtain the broadest cross-section of the county, having determined  
 18 that use of the supplemental lists is feasible. The supreme court shall  
 19 exercise the authority to designate supplemental lists periodically in  
 20 order to foster the policy and protect the rights secured by this article.  
 21 The supplemental sources may include lists of utility customers,  
 22 property taxpayers, and persons filing income tax returns, motor  
 23 vehicle registrations, city directories, telephone directories, and driver's  
 24 licenses. Supplemental lists may not be substituted for the voter  
 25 registration list. In drawing names from supplemental lists, the jury  
 26 commissioner shall avoid duplication of names.

27 (b) Whoever has custody, possession, or control of any of the lists  
 28 making up or used in compiling the master list, including those  
 29 designated under subsection (a) by the supreme court as supplementary  
 30 sources of names, shall furnish the list to the jury commissioner for  
 31 inspection, reproduction, and copying at all reasonable times.

32 (c) When a copy of a list maintained by a public official is  
 33 furnished, only the actual cost of the copy may be charged to the court.

34 (d) The master list of names shall be open to the public for  
 35 examination as a public record, except that the source of names and  
 36 any information other than the names contained in that source may not  
 37 be public information.

38 SECTION 10. IC 33-28-6-19 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. ~~A qualified~~  
 40 ~~prospective juror is not~~ **(a) The following persons are** exempt from  
 41 jury service: ~~except for the following:~~

- 42 (1) Members in active service of the armed forces of the United

C  
o  
p  
y



States who are actively engaged in the performance of their official duties.

(2) Elected or appointed officials of the executive, legislative, or judicial branches of government of the:

(A) United States;

(B) State of Indiana; or

(C) counties affected by this chapter;

who are actively engaged in the performance of their official duties.

(3) A person who:

(A) would serve as a juror during a criminal trial; and

(B) is:

(i) an employee of the department of correction whose duties require contact with inmates confined in a department of correction facility; or

(ii) the spouse or child of a person described in item (i); and desires to be excused for that reason.

**(b) A person scheduled to appear for jury service has the right to postpone the date of the person's initial appearance for jury service one (1) time. The court shall grant a prospective juror's request for postponement if the following conditions are met:**

**(1) The prospective juror has not previously been granted a postponement.**

**(2) The prospective juror requests a postponement by contacting the jury commissioner:**

**(A) by telephone;**

**(B) by electronic mail;**

**(C) in writing; or**

**(D) in person.**

**(3) The prospective juror selects another date on which the prospective juror will appear for jury service that is:**

**(A) not more than six (6) months after the date on which the prospective juror was originally scheduled to appear; and**

**(B) a date when the court will be in session.**

SECTION 11. IC 33-28-6-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 27. (a) A person who appears for service as a petit or grand juror serves until the conclusion of the first trial in which the juror is sworn, regardless of the length of the trial or the manner in which the trial is disposed. A person who appears for service but is not selected and sworn as a juror**

C  
o  
p  
y



1 completes the person's service at the end of one (1) day.

2 (b) A person who:

3 (1) serves as a juror under this chapter; or

4 (2) completes one (1) day of jury selection but is not chosen to  
5 serve as a juror;

6 may not be selected for another jury panel for at least one (1) year.

7 (c) The employer of a person who:

8 (1) is summoned to serve as a juror; and

9 (2) notifies the employer of the jury summons:

10 (A) within a reasonable period after receiving the jury  
11 summons; and

12 (B) before the person appears for jury duty;

13 may not subject the person to any adverse employment action as  
14 the result of the person's jury service.

15 (d) An employee may not be required or requested to use annual  
16 leave, vacation leave, or sick leave for time spent:

17 (1) responding to a summons for jury duty;

18 (2) participating in the jury selection process; or

19 (3) serving on a jury.

20 This subsection does not require an employer to provide annual  
21 leave, vacation leave, or sick leave to an employee who is not  
22 otherwise entitled to these benefits.

23 (e) If:

24 (1) a prospective juror works for an employer with five (5) or  
25 fewer full-time employees (or their equivalent);

26 (2) another employee of the employer described in subdivision  
27 (1) is performing jury service; and

28 (3) the prospective juror or the employee performing jury  
29 service notifies the court that they both work for the same  
30 employer;

31 the court shall reschedule the prospective juror's jury service for  
32 a date that does not overlap with the jury service of the employee  
33 already performing jury service. The rescheduling of jury service  
34 under this subsection does not affect the prospective juror's right  
35 to a postponement under section 19(b) of this chapter.

**C  
O  
P  
Y**

